

United States - Peru Environmental Cooperation

2009-2010 Work Program

Introduction

The Environmental Cooperation Commission (ECC),¹ established pursuant to Article III of the Environmental Cooperation Agreement (ECA) between the Governments of the United States and Peru (hereinafter the Parties), hereby defines a Work Program through 2010 that establishes specific goals and objectives and areas for cooperation that reflect national priorities for each Party.

Background

On July 24, 2006, the Governments of the United States and Peru signed an Environmental Cooperation Agreement. In so doing, the Parties recognized that cooperation is the principal means for ensuring that trade and environmental policies are mutually supportive and promote the optimal use of resources in accordance with the objective of sustainable development.

The objective of the ECA is to establish a framework for enhancing bilateral and/or regional environmental cooperation between the Parties aimed at protecting, improving, and preserving the environment, including the conservation and sustainable use of their natural resources.

The ECA establishes an Environmental Cooperation Commission (ECC) and obligates the ECC to define a Work Program, establishing specific goals, objectives and areas for cooperation in a way that reflects national priorities of each Party.

In the Annex on Forest Sector Governance (the Annex) to the Environment Chapter of the U.S. - Peru Trade Promotion Agreement (TPA), the Parties committed to work cooperatively, in accordance with the ECA, to promote the sustainable management of Peru's forest resources. They identified several possible capacity building activities, including: (a) Strengthening the legal, policy, and institutional framework governing the forest estate and the international trade in forest products; (b) Building institutional capacity for forest law enforcement and the international trade in forest products; (c) Improving the performance of

¹ The Parties will each designate one senior government official from their relevant national authority to serve as their representative on the Commission (see ECA Art. III (1)).

the forest concession system in meeting economic, social, and ecological objectives; and (d) Increasing public participation and improve transparency in forest resource planning and management decision-making.

Long-Term Work Program Goals

The ECC recognizes that through implementation of this Work Program it is striving to achieve the following long-term goals:

- Compliance with obligations in the Environment Chapter and Annex on Forest Sector Governance of the United States Peru Trade Promotion Agreement (TPA): (1) to ensure that the Parties' environmental laws and policies provide for and encourage high levels of environmental protection; (2) to effectively enforce the Parties' environmental laws; (3) to ensure that judicial, quasi-judicial, or administrative proceedings are available to sanction or remedy violations of environmental laws; (4) to combat trade associated with illegal logging and illegal trade in wildlife; and (5) to enhance forest governance and promote legal trade in timber products.
- Improved protection and conservation of the environment, including natural resources;
- Increased transparency and public participation in environmental decision-making;
- Promotion of a culture of environmental protection and compliance with environmental laws through, among other things, the promotion of economic opportunities, voluntary measures to enhance environmental performance, and job creation.

Cooperation Themes and Objectives to Achieve Long-Term Work Plan Goals

The Work Program focuses on the following overall themes, with the following corresponding general objectives:

1. INSTITUTIONAL AND POLICY STRENGTHENING FOR EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAWS, INCLUDING NATURAL RESOURCE-RELATED LAWS

Objectives: To work with national, regional, and local governments in Peru to (1) promote compliance with obligations in the Environment Chapter and Annex on Forest Sector Governance of the TPA, (2) exchange information, experiences, and build capacity on environmental (including natural resource-related) legal, policy, and regulatory regimes, enforcement and compliance policies, tools and practices, environmental impact assessments, and approaches to environmental protection and natural resource management that contribute to strengthening the effectiveness, implementation, and enforcement of environmental and natural

resource-related laws and regulations in the United States and Peru; (3) adopt and implement necessary laws, decrees, regulations and other measures, including Multilateral Environmental Agreement (MEA) commitments (non-CITES),² necessary to fulfill obligations under the TPA; (4) significantly strengthen the ability of national, regional, and local authorities to effectively enforce their environmental laws.

2. BIODIVERSITY CONSERVATION AND IMPROVED MANAGEMENT OF FORESTS, PROTECTED AREAS, AND OTHER ECOLOGICALLY IMPORTANT ECOSYSTEMS

Objectives: To work with national, regional, and local governments in Peru to (1) adopt and implement all necessary laws, decrees, regulations and other measures necessary to fulfill commitments under CITES; (2) promote and encourage the conservation and sustainable use of biological diversity and all of its components and levels, including plants, animals, and habitats; and (3) improve management of forests, protected areas and other ecologically important ecosystems.

3. TRANSPARENCY AND PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING AND ENFORCEMENT

Objectives: To (1) share experiences on involving the public in decision-making regarding environmental and trade matters; (2) enhance openness and transparency in regulatory and program implementation; (3) establish a Secretariat to receive submissions on environmental matters pursuant to Articles 18.8 and 18.9 of the TPA; and (4) exchange knowledge and experiences regarding environmental education strategies and programs, with a principal focus on basic and community-level education.

4. COMMUNITY AND MARKET-BASED ACTIVITIES

Objectives: To work with communities in Peru (including indigenous communities) to (1) improve environmental protection and natural resource management at the local level; (2) reap the benefits of traditional knowledge and practices that contribute to environmental protection and sustainable use and conservation of natural resources and biodiversity; and (3) develop markets for goods or services produced or provided in a sustainable manner, such as, for example, sustainable tourism, sustainably mined artisanal gold, agricultural products, and forest products.

² For the purposes of this Work Program, and given its emphasis in Chapter 18 (Environment) and the Annex on Forest Sector Governance, CITES is listed separately from other MEAs in the “Biodiversity and Conservation” theme.

5. IMPROVED ENVIRONMENTAL PERFORMANCE IN THE PRODUCTIVE SECTOR

Objectives: To encourage existing enterprises in the productive sector in Peru (including operators of forest concessions) to develop and adopt sound environmental and natural resource management practices and technologies, and to show that doing so not only benefits the environment and natural resource conservation, but can be done in a manner consistent with maintaining international competitiveness.

Near-term Priority Areas and Activities 2009-2010

Initially, the Parties will focus cooperation on undertaking the capacity building activities identified in the Annex on Forest Sector Governance³ and on other priority activities for which resources are available, for which programming is already under way, or which are otherwise top priority for implementation. We have listed these Annex activities as priority areas under their related themes in the attached matrix, along with other priority areas. In the matrix we also list specific activities that we anticipate the parties will undertake under each of the themes and coinciding priority areas during the time frame of this Work Program. Should additional resources become available for more intensive cooperation, the Parties may develop more specific actions for cooperation.

The ECC further intends to examine additional priority areas and activities within the overall cooperation themes when developing the next Work Plan (to go into effect post 2010). Examples of other potential priority areas may include improving: technical capacity and market access for sustainable agricultural products and other non-forest related natural-resource-based products, fisheries management, EIA review processes and tools and EIA review guidelines and permit decision-making, regulation of and reducing environmental impacts of large scale cyanide gold mines, capacity to produce accurate and high quality greenhouse gas (GHG) inventories for agriculture and forestry sectors, air and water quality, solid waste disposal, and compliance and overall environmental performance through environmental management systems (EMSs) and environmental audits. The ECC intends to meet early in 2010 to review the status of implementation of activities in this Work Program and start developing the next Work Program.

³ The capacity building activities listed in the Annex include: (a) Strengthening the legal, policy, and institutional framework governing the forest estate and the international trade in forest products; (b) building institutional capacity for forest law enforcement and the international trade in forest products; (c) Improving the performance of the forest concession system in meeting economic, social, and ecological objectives; and (d) Increasing public participation and improve transparency in forest resource planning and management decision-making.

Coordination

The Parties intend to explore the development of partnerships with private sector and civil society organizations in carrying out their cooperative work whenever possible. The Parties also note ongoing bilateral cooperative work in other fora, and intend to seek through this work program to build upon and complement this existing bilateral work. In addition, the Parties intend to explore opportunities for mutual collaboration in these priority areas with other countries in the Western Hemisphere.

Benchmarks

As the ECC further defines cooperative programs, projects and activities under its Work Program, it intends to encourage implementers of activities within the work plan to strive to identify performance indicators and benchmarks to measure the progress made in accomplishing or otherwise furthering the goals and objectives of such programs, projects and activities and to facilitate public reporting of that progress. To the degree that the Parties use independent sources of monitoring data and evaluation to assess progress, they intend to collaborate with those other sources in identifying suitable performance indicators and benchmarks.

Theme	Priority Areas	Potential Activities and Notional Timeframes (2009-2010) ⁴	Participants
1. Institutional and policy strengthening for effective implementation and enforcement of environmental laws, including natural resource - related laws	<p>1.1. (a) Strengthening the legal, policy, and institutional framework governing the forest estate and the international trade in forest products;</p> <p>(b) building institutional capacity for forest law enforcement and the international trade in forest;</p> <p>(c) improving the performance of the forest concession system in meeting economic, social, and ecological objectives</p>	<p>1.1.1. Assist Peru with institutional strengthening through trainings and targeted technical assistance by dedicating one full-time U.S. Forest Service (USFS) resource personnel as well as other personnel and resources as needed and agreed upon within the terms of reference. The competent U.S. and Peruvian agencies will discuss terms of reference for the cooperation. (Chapter: Arts. 18.1, 18.2, 18.3; the entire Annex.)</p> <p>Timeframe: Within 18 months after Entry into Force of the FTA.</p> <p>1.1.2. Develop and implement a capacity building plan that could include workshops and exchanges to increase the effectiveness of personnel from all relevant agencies (including MINAM, MINAG, OSINFOR) and the Regional Governments and Environmental Prosecutors devoted to enforcing Peru's laws, regulations, and other measures relating to the harvest of, and trade in, timber products, with a view to reducing illegal logging and associated trade in these products. (Chapter: Arts. 18.1, 18.2, 18.3, 18.4; the entire Annex.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.1.3. Technical assistance and workshops (a) for persons or entities that hold rights to forest resources (including concessionaires and permittees) to improve forest administration and management and (b) for OSINFOR officials to improve its supervision of timber concessions and permits. (Annex: Paras. 3(g), 3(h), (4).)</p>	<p><u>U.S.:</u> USFS, U.S. DOJ , U.S. FWS, USAID, U.S. DOS, USTR</p> <p><u>Peru:</u> MINAG, MINAM, MINCETUR, OSINFOR, Public Ministry, Regional Governments, National Police, Customs</p>

⁴ Mention of chapter and annex provisions are not exhaustive or exclusive.

		<p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.1.4. Provide Assistance to the Government of Peru on implementation of (a) an improved chain of custody system, starting with CITES-listed tree species, and (b) implementation and improvement of the National System of Forestry Information and Control (SNIC). (Chapter: Art. 18.2; Annex: Paras. 3(h), 5, 6, 7.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p>	
		<p>1.1.5. Provide assistance to build institutional capacity (including at the Regional level) to investigate and prosecute cases involving illegal timber harvesting and trafficking, and trafficking in wildlife through (a) conducting trainings on investigating and prosecuting such cases , and (b) supporting development of a manual on prosecuting such cases (starting with illegal timber harvesting and trafficking) (<i>also listed under Area 2.1</i>) (Chapter: Art. 18.2, 18.3; Annex: Paras. 3(a), and (c).)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.1.6. Provide equipment and software for participating agencies to fulfill their monitoring and enforcement obligations related to implementation of the Forest Sector Governance Annex, Such equipment could include electronic devices for the elaboration of inventories and field maps, means of transportation, and communication such as internet access. (Chapter: Arts. 18.2, 18.3, 18.4; The entire Annex.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.1.7. Provide assistance for updating and implementing the Anticorruption Plan and disseminating it to all relevant national, regional, and local agencies and authorities, and other stakeholders. (Annex: Para. 3(a)(ii).)</p>	

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		<p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.1.8. Provide assistance to conduct the audits and verifications required under the Annex on Forest Sector Governance. (Annex: Paras. 6, 7, 10, 12.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p>	
	<p>1.2 Strengthen the ability of national, regional, and local authorities to effectively manage natural resources and enforce their environmental laws.</p>	<p>1.2.1. Provide institutional support and capacity building to the Regional Authorities to effectively manage natural resources (starting with forestry resources) and enforce environmental laws (including natural resource-related laws), beginning with the Amazonian Regions that are in the position to take over such authorities from the National government early (before the legal deadline); (Chapter: Arts. 18.1, 18.2, 18.3.)</p> <p>Timeframe: Within 18 months after Entry into Force and ongoing.</p> <p>1.2.2. General institutional support to MINAM with an initial emphasis on support for OEFA, SEIA, and the SINIA. (Chapter: Arts. 18.1, 18.2, 18.3, 18.4, 18.5, 18.7.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>1.2.3. Continue ongoing USAID Municipal Environmental Program with MINAM to provide technical support to local government authorities for sound environmental management practices, such as solid waste disposal and wastewater treatment. (Chapter: Arts.18.1.)</p> <p>Timeframe: Ongoing.</p>	<p><u>U.S.:</u> USFS, U.S. DOJ, U.S. FWS, USAID, U.S. DOS, U.S. EPA, USTR</p> <p><u>Peru:</u> MINAG, MINAM, MINCETUR, OSINFOR, Public Ministry, Regional Governments, National Police, Customs</p>

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2. Biodiversity Conservation and Improved Management of Forests, Protected Areas, and other Ecologically Important Ecosystems	2.1 Improved compliance with CITES obligations	<p>2.1.1. Provide support to strengthen CITES Scientific and Management Authorities, as well as enforcement authorities, including, as appropriate, support in developing and executing a training plan for CITES authorities that could include making non-detriment and legal acquisition findings and other types of training. This support should not duplicate and could complement other efforts of the CITES Secretariat, ITTO, or other entities. (Chapter: Arts. 18.2, 18.3; Annex: Paras. 3(d)- (h), 6, 10, 15.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>2.1.2. Provide assistance for population inventories, scientific studies, technical analyses, and information systems to improve the management of CITES-listed tree species. (Chapter : Arts. 18.2, 18.3; Annex: Paras. 3(d)- (h), 15.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>2.1.3. Provide assistance in updating and implementing Peru’s Strategic Mahogany Action Plan. Priority areas of the Plan include preparation of a plan for the in situ and ex situ conservation of mahogany; phenology studies, natural regeneration plans, and silvicultural practices in support of forest management plans. Such assistance should not duplicate and could complement other efforts. (Chapter: Arts. 18.2, 18.3; Annex: Paras. 3(e).)</p> <p>2.1.4. Provide assistance for the sustainable management of wildlife, including support for animal rescue/rehabilitation centers so that they can successfully care for seized or abandoned wildlife. (Chapter: Arts. 18.2; Annex Paras. 1, 15.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p>	<p><u>U.S.:</u> USFS, U.S. FWS, USAID, U.S. DOS, USTR</p> <p><u>Peru:</u> MINAG, MINAM, MINCETUR, OSINFOR, Public Ministry, Regional Governments, National Police, Customs</p>
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3. Transparency and Public Participation in Environmental Decision-making and Enforcement	3.1 Improving transparency, public participation, and access to information in trade and environmental decision-making processes	<p>3.1.1. Establish and ensure the functioning of the Secretariat for Environmental Matters. (Chapter: Arts. 18.8, 18.9.)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>3.1.2. Strengthen the ability of public institutions to establish and operate mechanisms for citizen participation and transparency, including mechanisms such as public forums and hearings, complaint response processes, access to information about the concession award processes, and the public availability of approved annual operating plans, general management plans, and other relevant documents. (Chapter: Art. 18.7; Annex: Paras. 3(g), (h), (i), 4(d).)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>3.1.3. Continue to conduct public outreach on environmental, forest sector, and criminal law changes and plan and conduct additional future, strategic outreach, including on mechanisms for public participation. (Chapter: Art. 18.7; Annex: Paras. 3(g), (h), (i), 4(d).)</p> <p>Timeframe: Ongoing.</p>	<p><u>U.S.:</u> USFS, USAID, U.S. DOS, USTR</p> <p><u>Peru:</u> MINAG, MINAM, MINCETUR, OSINFOR, Public Ministry, Regional Governments</p>
4. Community and Market Based Activities	4.1 Developing strong trade-related incentives, economic alternatives, and voluntary measures to enhance environmental performance and to	<p>4.1.1. Foster incentives for private sector-generated sustainable economic development that directly benefit local peoples and enterprises and conserve biodiversity. (Chapter: Art. 18.5; Annex: Para. 3(h)-(i).)</p> <p>Timeframe: Ongoing.</p> <p>4.1.2. Technical assistance to increase the capacity of indigenous communities to manage their forest and wildlife resources in an</p>	<p><u>U.S.:</u> USFS, U.S. FWS, USAID, U.S. DOS, U.S. DOI, USTR</p> <p><u>Peru:</u> MINAG, MINAM, MINCETUR, OSINFOR, Regional Governments</p>

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	<p>conserve biodiversity, improve management of forests, protected areas, and other ecologically important ecosystems</p>	<p>economically competitive and sustainable manner. (Chapter: Art. 18.5; Annex: Para. 3(i).)</p> <p>Timeframe: Within 18 months after Entry into Force.</p> <p>4.1.3. Provide assistance to strengthen biotrade in a manner that is consistent with the provisions in Article 18.11 of the Trade Promotion Agreement. (Chapter: Arts. 18.5, 18.11.)</p> <p>Timeframe: After 18 months after Entry into Force.</p> <p>4.1.4. Technical assistance to the private sector, communities and/or indigenous peoples for the adoption of voluntary mechanisms, such as certification, to improve forest management. (Chapter: Art. 18.5; Annex: Para. 3(i).)</p> <p>Timeframe: Within 18 months after Entry into Force.</p>	
5. Improved Environmental Performance in the Productive Sector	<p>5.1 To encourage existing enterprises in Peru (including operators of forest concessions) to develop and adopt sound environmental and natural resource management practices and technologies</p>	<p>5.1.1. Technical assistance to forestry consultants and other service providers to the forest productive sector. (Chapter: Art. 18.5; Annex: Paras. 3(g)-(h).)</p> <p>Timeframe: Ongoing.</p> <p>5.1.2. Technical assistance for the design and implementation of economic and financial initiatives, including access to credit, that promotes good environmental practices. (Chapter: Art. 18.5; Annex: Paras. 3(h).)</p> <p>Timeframe: Ongoing.</p>	<p><u>U.S.:</u> USFS, USAID, U.S. DOS, USTR</p> <p><u>Peru:</u> MEF, MINAG, MINAM, MINCETUR, OSINFOR, Agricultural Ministry, Regional Governments</p>

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		<p>5.1.3. Technical assistance to forest sector enterprises on improved forest management practices, including reduced impact logging.</p> <p>Timeframe: Ongoing.</p>	
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ANNEX 1: LIST OF AGENCIES / ACRONYMS

United States	Peru
<ul style="list-style-type: none"> ▪ Department of Agriculture (USDA) <ul style="list-style-type: none"> ○ U.S. Forest Service (USFS) ▪ Department of Commerce (DOC) <ul style="list-style-type: none"> ○ National Oceanic and Atmospheric Administration (NOAA) ▪ Department of Energy (DOE) <ul style="list-style-type: none"> ○ U.S. National Renewable Energy Laboratory (NREL) ▪ Department of Health and Human Services (HHS) ▪ Department of Homeland Security (DHS) <ul style="list-style-type: none"> ○ Customs and Border Protection (CBP) ○ US Coast Guard (USCG) ▪ Department of Interior (DOI) <ul style="list-style-type: none"> ○ US National Park Service (NPS) ○ US Bureau of Land Management (BLM) ○ US Fish & Wildlife Service (U.S. FWS) ○ US Geological Survey (USGS) ▪ Department of Justice (U.S. DOJ) ▪ Department of State (U.S. DOS) ▪ Environmental Protection Agency (U.S. EPA) ▪ National Aeronautic and Space Administration (NASA) ▪ National Invasive Species Council (NISC) ▪ US Agency for International Development (USAID) ▪ US Trade Development Administration (USTDA) ▪ US Trade Representative (USTR) 	<ul style="list-style-type: none"> ▪